IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.4911 OF 2007
IN
FIRST APPEAL ST.NO.22156 OF 2007

New India Assurance Company Ltd. ...Applicant

vs.

Manik Hulaji @ Khulaji Sonkamble & Anr. ...Respondents

Mr.S.M.Vidyarthi for the Applicant
Mr.M.B.Kotak for the Respondent No.1.

CORAM: A.S.OKA,J.
DATE : DECEMBER 13,2007.

P.C.:

1. Rule. The Advocate for the first Respondent waives service. The grievance of the Applicant in the Appeal is that there is no basis for assessment of the disability at 80%. The second grievance is that the multiplier applied is on the higher side. The third grievance is that the amount granted on all the counts is excessive.

2. I have perused the impugned Judgment and Order. It is stated that the entire amount due and payable as per the impugned Judgment has been deposited with the concerned Tribunal.

3. Considering the facts and circumstances of the case, Civil Application is disposed of by passing the following order :

i) A sum of Rs.25,000/- deposited by the Applicant in this Court shall be transferred to the concerned Tribunal.

ii) The Tribunal will permit 40% of the amount deposited by the Applicant to be withdrawn by the claimants without any security. However, the withdrawal will be subject to final outcome of the Appeal.

iii) The tribunal will permit the original claimants to withdraw a further amount of Rs.1,00,000/- on furnishing adequate security.

iv) The balance amount deposited by the Applicant shall be invested in fixed deposit in any nationalised bank and the fixed deposit shall be renewed from time to time till the final disposal of the Appeal.

JUDGE